

## MINUTES

SALINA CITY PLANNING COMMISSION  
CITY COMMISSION ROOM  
Tuesday, May 1, 2007

### MEMBERS

PRESENT: Appleby, Funk, Mikesell, Ritter, Schneider, Simpson, Soderberg and Yarnevich

### MEMBERS

ABSENT: Bonilla-Baker

### STAFF

PRESENT: Andrew, Asche, Burger, Herrs, Nelson and Place

Mr. Simpson stated we were advised that there will be a slight change in our agenda today. We will take Items #2 and #3 from the table and entertain a motion to retable them until the 15<sup>th</sup>. At this time we will see if there is anyone that came on the assumption that they were going to talk about that particular issue today.

Item #1. Approval of the minutes of the regular meeting held on April 17, 2007.

The minutes of the April 17, 2007 meeting were approved as presented.

Item #2. Application #PDD93-6D, filed by Roger Siemsen and Tim Howison, requesting an amendment of the Golden Eagle Estates Addition PDD to convert an area set aside for cluster townhomes with a private street and common area to twelve (12) individually owned platted lots for townhomes on a public street. The subject property is legally described at Lot 3, Block 2 in Golden Eagle Estates Addition No. 2 to the City of Salina, Saline County, Kansas and located on the north side of unbuilt Eaglecrest Avenue north of the Eaglecrest Retirement Community at 1501 E. Magnolia Road.

Item #3. Application #P93-3E, filed by Roger Siemsen and Tim Howison, requesting approval of a replat of Lot 3, Block 2 in Golden Eagle Estates Addition No. 2 to the City of Salina, Saline County, Kansas into twelve (12) building lots.

Mr. Simpson stated for Items #2 and #3 I'll entertain a motion to remove those from the table.

MOTION: Mr. Appleby stated so moved.

SECOND: Mr. Funk.

Mr. Simpson stated it's been moved and seconded. Those in favor say "aye", all opposed same sign.

VOTE: Motion carried 8-0.

Mr. Simpson asked Dean do you want to address those?

Mr. Andrew stated the only thing we would have is to inquire from members of the audience whether anyone is here to speak to the Golden Eagle applications and then what we're going to do as a staff is we're going to send renotification letters to those individuals within 200 ft. of this site. There will be some slight modifications to what was sent out originally. So we think reminder letters to those neighbors telling them that we anticipate

those being considered on the 15<sup>th</sup> are in order. We'll do that so they can follow the progress of that case. If there is no one here to speak to Items #2 and #3 then I think those can be grouped together and be tabled to May 15<sup>th</sup>.

Mr. Simpson asked is there anyone who wishes to address this application or either application? There appear to be none so we'll bring it back for action.

MOTION: Mrs. Soderberg stated I move that we table Items #2 and #3 until the May 15<sup>th</sup> meeting.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved and seconded. Other discussion or questions? Those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0. Both items tabled to May 15, 2007.

Item #4. Application #PDD88-4E, filed by Dilip Patel, requesting: (1) approval of an amendment of the Country Oak Estates PDD in order to develop only a portion of Lot 3, Block 1 of the Replat of Country Oak Estates Subdivision and (2) approval of a final development plan to allow construction of a 3 story hotel in a PDD (C-5) district. The subject property is legally described as the East 284 ft. of Lot 3, Block 1 in the Replat of the Country Oak Estates Subdivision and addressed as 715 West Schilling Road.

Mr. Andrew presented a background report on the history of the Country Oak Estates PDD. Mr. Herrs presented the staff report on the current application with visual graphics which is contained in the case file. Mr. Herrs presented a list of unresolved site issues from staff's perspective.

Mr. Simpson asked any questions of the staff?

Mr. Mikesell stated you had mentioned the detention or retention pond that was going to be on one edge of the property and go into the interstate right-of-way. Has the State been contacted?

Mr. Andrew asked John could you go to slide number 6 the grading plan? What Dustin was referring to, this is the interstate right-of-way here and the Kansas Department of Transportation has a right-of-way discharge permit that they require before you send stormwater into their right-of-way. They are concerned about erosion and other matters. What they've been doing lately is asking the abutting owner do as much as possible to retain or detain water on their site and release it at a controlled rate. What the concern is is that this plan as submitted involved excavation not over the top of but at least in close proximity to the gas line. Basically as we understand it KDOT is not inclined to allow sheet flow or direct runoff into the right-of-way, they are going to require something on the site to detain the water and release it in a controlled manner. So it is not the City's Subdivision Regulations or anything else that are requiring detention. It is KDOT saying that before we allow you to discharge your runoff into the right-of-way we want to see some sort of plan for detention and this is what the applicant's engineer came up with and that was shared with Kansas Gas Service and we provided them with plans so that they could have their legal and right-of-way divisions look at them at their offices in Wichita. We have not heard back from them but we did submit drawings to them to try to get their feedback on the pond and excavation and their easement.

Mr. Funk asked what did the Super 8 motel do about drainage? Do they have retention?

Mr. Andrew stated they are more or less using a corner or portion of their parking lot as detention. Mr. Nelson is here and I don't know if you wanted to speak to that Wayne, but they're basically using a portion of their parking lot for that. This is Wayne Nelson our Civil Engineer.

Wayne Nelson, Civil Engineer for the City of Salina, stated good afternoon. In regard to the Super 8 motel they used a couple of methods to detain runoff on their site. One as Mr. Andrew mentioned was to retain the water on the pavement of the parking lot itself. They did this in two corners and they retained it to a depth of about 6 inches. In other areas they've created swales on the property and used a discharge pipe to control the amount of discharge from those areas. That's how they proceeded with that.

Mr. Funk asked are those areas paved, both the swale and the parking lot?

Mr. Nelson stated the parking lot is paved. The swales are grass and vegetation.

Mr. Funk asked what is the size of that gas line that is running through that easement, is that a big high volume, high pressure line?

Mr. Andrew stated it's a high volume line. It used to serve what was Camp Phillips at the landfill area. Right now it's a big provider for Tony's Pizza. But it starts over at the railroad tracks. We've encountered this on almost every development south of Schilling Road. It has impacted that development in some way. On the Lowe's site, you would not have the Lowe's store there today if they had not paid to relocate the gas line around their building. It has been relocated on the Riffel Addition, which is on the other side of the interstate, to accommodate the Courtyard by Marriott. What's clear is that you can't place any kind of building over it. So what they have chosen to do is work with the gas company to relocate it and they have rerouted it both on the east and west sides of 9<sup>th</sup> Street to accommodate buildings. On the other side of the railroad tracks by the Kennedy and Co. building where we have the drainage ditch, we worked with them and we had to lower the gas line in order to build that ditch. The excavation for the ditch would have gotten too close to the gas line. We don't know the exact depth but it is not a very deep gas line and I think that's a concern about the digging of the detention pond is that the gas line is not very deep and they are concerned about excavation. They have not given us an answer yet but they want to look at it closely before they give us an answer.

Mrs. Soderberg asked how does the issue of the fire trucks and access to the site and the second area that you indicated that would be dedicated for emergency vehicles only, how does that work? What does it look like?

Mr. Andrew stated there are different examples of that around the community. There is one that is not very clear or noticeable. There is an emergency fire access lane that runs from the Elks Club parking lot over to the River Run Subdivision which is being developed west of Marymount Road. And the concern is if you had a tree fall or something that barricaded the entrance into River Run off of Marymount you want a second way to get in there. There is an emergency access route off the Elks parking lot into that subdivision. The other one is the Chapel Ridge Apartments are north of Magnolia east of the Central Mall. There is only one road that comes in off of Magnolia there and it is bounded by the railroad tracks, a detention pond and the mall. We did not want a street or traffic interchange between the apartments and the mall, but if you look at the east side of the mall over by the theatres there is chained off posted roadway gap in the fence and that is there again for the Fire Department. If they need a second way to get into the apartment complex they can use that to get in but it is not open to the public as a street or driveway. And the third one would be the Reserves at

Prairie Glen, the apartments at Magnolia and Ohio south of the church. They've got one driveway off of Ohio that serves that whole complex. At the south end where there is a road by the ditch there is a chained off access road there, again not for the general public or apartment dwellers to use but it's there again to provide a second means in and out. If you were looking at this ideally you would use all of Lot 3 and not just the east portion and you would try to design it in a way so a fire vehicle could get in, re-circulate and then get back out, which is what you would do in an ideal situation. We can't accomplish that here. Because of the tightness of this site there is no ability to do that. At best you would have a place here where you could back a truck into and come out that way. Or if for some reason this is blocked you would be able to come down Huehl Circle and come in that way as a secondary entrance.

Mrs. Soderberg asked and this would be paved?

Mr. Andrew stated it would at least be hard surfaced. It wouldn't have to be paved and you wouldn't want it to look like a driveway or lead people to believe that is a driveway because the access is restricted there to keep commercial traffic out of the residential area to the south. But it could be designed in a way that it was Fire Department access only. The Fire Department's desire would be in the southeast corner to have some way to turn around and get back out, or to have two ways in and out of this site. But there isn't any way to do that with this small of an area pinched up against the interstate.

Mrs. Soderberg asked so you only need to make provisions for how much fire fighting equipment, one truck, two trucks, three trucks? I mean if there is a major fire.

Mr. Andrew stated they're looking at it from the standpoint that this is a three story building. So they are going to send their biggest truck which is a ladder truck. They may have other pieces of equipment. But they really don't like to get their equipment into a bottleneck; 1) where they have to back out and 2) where they have to move other vehicles to get out. That is their concern. So this is not the ideal arrangement. They have indicated to us that at a minimum they would like a place where there's a hammerhead or something they could back into to head out or at a minimum a second way in and out.

Mr. Funk asked this roadway coming off of Schilling I think you said is an L shaped street that is how wide, a 30 ft. right-of-way?

Mr. Andrew stated it's 30 ft. and it's paved the full width. So it's a 30 ft. access easement and it has 30 ft. of paving in it.

Mr. Funk asked there is no way to make that a public street?

Mr. Andrew stated it's possible to make it a public street. I'm not sure what the advantage would be of doing that. Essentially what we would have to have before Super 8 went in and started construction there we would need to change their design and build it to a city street standard.

Mr. Funk stated I guess I thought it was awful narrow. But you could construct or have a wider street to the west to Marcella because there is room for additional right-of-way.

Mr. Andrew stated then we'd have to adjust the easement there because of the power poles, yes, as it is depicted there it is 30 ft. wide but we don't believe it can be built out to Marcella in that exact configuration. It's something that is going need to be done either widened or shifted to the south and widened.

Mr. Funk asked but if you pave 30 ft. where are you going to put the power poles?

Mr. Andrew stated you would end up leaving the power poles where they are and shifting the road slightly to the south to avoid that. Back in 1993 it was anticipated that the ring road would be built first prior to development. What has occurred is that the water lines, hydrants and power lines have been put into utility easements that surround the access easement that has created conflicts between the access use and the utility use. I guess the best comparison is where Belmont Boulevard terminates west of 9<sup>th</sup> Street there is a similar access easement that serves Aldi's, the Goodwill Store and Candlewood Suites motel. That is not a public street. That is a private access easement similar to this. It's slightly wider than this in width but it's a similar arrangement. It's privately owned and maintained but it serves multiple properties. If this were a street we would normally request more right-of-way than just the 30 ft. That is where the challenge would be.

Mr. Mikesell stated Dean in regards to the signage issue. In the C-5 district, am I understanding right that they can only have one pole sign and one monument sign?

Mr. Andrew stated that is not a Zoning Ordinance limitation. It is a decision that the Planning Commission has made when they have reviewed site plans in the South 9<sup>th</sup> corridor and the Schilling Road corridor. If you added up all the square footage that these parcels could have total they could probably support more than one sign. We're just saying that as part of a site plan approval the Planning Commission has to date not approved a site plan that had more than one freestanding pole sign. So if you start up at Office Max, Fazoli's, Wal-Mart, Sam's Club, Courtyard by Marriott, Hampton Inn, Taco Bueno or Wendy's none of them have more than one pole sign. We're pointing out that the request to have two 70 ft. pole signs would be a departure from that and would either lead to requests we think on the other properties or you would need to identify something particularly unique about this circumstance to justify two 70 ft. pole signs on one property. That is all we're pointing out. But all of those properties that we've referred to through the site plan approval process were limited to one freestanding sign. If you calculate it out in terms of the amount of square footage allowed it would probably be greater than that.

Mrs. Yarnevich asked the signs would be advertising two different hotels right?

Mr. Andrew stated yes. One would be an off-premise sign advertising the Baymont Inn which is located to the west of Casey's. And the other sign would identify the Comfort Inn site.

Mrs. Soderberg asked what is the point of switching them? If for instance, two pole signs are allowed.

Mr. Andrew asked if you could go to the site plan John, number 4. On the drawing next to the new hotel, that is the location of the existing Baymont sign. It sits right next to the hotel so it probably didn't make sense to have a Baymont sign right here. The other sign location is down here. It is very expensive to install those poles or to move them. You wouldn't pick the pole up and move it but you could change out the sign.

Mr. Simpson asked has the Fire Department or somebody tested the water flow pressure to see if it was adequate or is the developer responsible for providing that information?

Mr. Andrew stated they have tested it and it's at 2,000 gallons per minute at the hydrant that you see west of the building. They don't have enough detail about the sprinkler system that would serve the building. It is their belief that if the sprinkler system was serviced by that alone that there wouldn't be any water left to draw on for the Fire Department to hook up to. The other thing, if you notice where that fire hydrant is in the far northwest corner, they would not be able to hook up to that with their hoses and get coverage to the southeast and northeast sides of the building. There is a water line in Huehl Circle here and Fire Department requested that the line be extended north and a second hydrant placed in an island or some location here where it could be accessed by fire responders to provide 1) better coverage of the building and 2) a secondary water source that they could hook up to, because the sprinkler system is going to be serviced off that line up in the northwest corner.

Mr. Simpson stated okay.

Mrs. Yarnevich asked there is no indication what they intend to do with this leftover lot?

Mr. Andrew stated we have not received any information about what the plans are, what we should expect to see or whether it's large enough to support anything. Certainly it would be ideal if it could be used for motel parking or access. But at this time the preliminary plan shows it (Lot 3) all being developed as one lot. We believe if it's not developed all as one lot to evaluate developing part of it you really need to see the whole picture.

Mrs. Soderberg asked and they have as their proposal on paper there is enough parking for that three story structure now?

Mr. Andrew stated yes. Our code requirements are pretty minimal for hotels and motels if you don't have restaurants, or meeting rooms or convention space you can have one parking space per hotel room and he has been able to accommodate that on the site.

Mrs. Soderberg asked where is the sign proposed for the Super 8?

Mr. Andrew stated I think that's slide 14 John. Maybe Dustin could tell you. We're still discussing whether in fact there is one proposed. At the time you reviewed that plan in December up until a couple days before the meeting it wasn't clear what the franchise was going to be of the motel so they didn't have any details on signage. If they install a pole sign I think you're probably looking right here or right there. At this point we have not received any plan for that and they didn't identify a space.

Mrs. Soderberg asked could you take it back to the aerial view and then show us on the aerial view?

Mr. Herrs stated they have an entrance sign, a shorter one proposed right there but they don't have a proposal for a taller interstate oriented sign at this time.

Mrs. Soderberg asked really?

Mr. Herrs stated but here would be the most likely location to put one.

Mr. Andrew stated at those points because of where the parking lot is it would probably be put between the parking lot and the interstate. Actually both of these sites are very tight. It's the fact that the Super 8 is only two stories and has 46 rooms which means it has less space that needs to be available for parking. It doesn't have as great a need for parking space as this one does by virtue of having the number of rooms it does.

Mr. Simpson asked are there any further questions of staff at this point? Would the applicant or his representative please address the Commission? State your name and address please.

Dilip Patel, Topeka, Kansas, stated I pretty much have answers for everything. Yes I do. Because I've been discussing with Dustin quite a bit, with Fire Department, Parks Department and everybody that I need to including Wayne and anybody and everybody at KGS to get this resolved. There are issues there but not something we cannot make possible and get conditional approval. So, I'm going to go step by step like Mr. Dean went through it and say what are the solutions we have as of right now. First one, full site development plans submitted by applicant, what are we going to do with the next lot? Danny Huehl is here. He owns the partial lot next to the site. It's one acre left over almost. I have 1.58 acres right now. I deal with 15 hotels and this is the biggest site I've ever picked. If you're saying this site is not big enough then something is wrong. This was the biggest site. I'm building one in Kansas City on 1.29 acres with 72 rooms, two story. This is 61 rooms with 1.58 acres. So I know this site is quite big. That is number one. What he is going to develop next to it he might be able to give you a better idea. We didn't discuss it before we came. He doesn't know who's going to purchase it and what they're going to put on it. But the way we discussed it originally, the plan before total development, they were planning to put two businesses over there regardless. One of them a motel and one of them maybe a restaurant, laundromat, convenience store or whatever can fit on that site. I understand there are a lot of restrictions there. But it is not possible to not fit what is shown. So Danny Huehl will address to you and let you know what he is thinking to go over there on the site that I do not own or purchase. As far as the driveway going to Marcella Drive, I agree with the City to get the drive done. I talked to Jim Maes who is a real estate broker and I also talked to Danny Huehl who is a professional in development. We will get the driveway easement done however it needs to be done. Right now the electrical pole on the easement that's not supposed to be there that is approved by City I do not mind to pay to relocate or I don't mind to shift the easement towards the south to make a 30 ft. driveway to Marcella Drive. So I'm going to have two issues that are going to be unresolved today; we will have a record of easement to show to you until this is done or on a plan. But everything else I do have answers. So we will get the easement recorded and to the City for their approval and the record before we start building anything. That is one that I don't have answered but we will get it in writing and recorded. As far as the Fire Department, originally we divided this plan up during a meeting with the Fire Department, Mr. Dean, Dustin Herrs, Forester Steve Blue and Melissa Heinrich with the Health Department. I worked last week to make impossible to possible to get this done quick enough and they realized that too and I got it done within two days. I review every drawing and I took the site plan first thing to Mr. Roger Williams from the Fire Department. I asked him if this site is good enough to get big truck, he pointed out one thing that was not possible; the post indicator valve that is right next to the building at the northwest corner of the building that was further and to move it back. I did that. He asked for bollards at the fire hydrant. We put the island and put bollards on it. We have a radius over there that is unusual for any site of development. Usually it's 30 ft. or 24 ft. Like anywhere else it's 24 ft. radius turning, over there is 36 ft. radius minimum from point to point. I'm showing not a 30 ft. truck, I'm showing a 60 ft. truck can turn from any direction coming from the north by Super 8 to Marcella Drive or coming either direction a 60 ft. truck could turn easily as is drawn not with change. A 60 ft. truck could go inside. A Fire Department truck is never bigger than that. Even their biggest truck which is 30-35 ft. I'm showing a 60 ft. truck on this drawing that is big enough for easy turning not like scrunching into it.

Mrs. Soderberg stated wait a second. Are you saying that the plan you submitted and that plan are the same and the Fire Department is telling you that this plan will work for their equipment?

Mr. Patel stated before I gave it to Dustin I went to the Fire Department physically and said to Mr. Williams can we look together and see the scaled drawing. We are 36 ft. radius between the curb and any given point because originally the dumpster and the storage was further towards the west, further towards north. We changed that. Before the radius was only maximum 24-34 ft. in some areas. Right now we are at minimum of 36 ft. in the minimum encroaching area. If he can not turn the fire truck on the 36 ft. radius something is wrong. This plan was approved by Mr. Williams when I took it to him physically.

Mrs. Yarnevich asked is that the same plan?

Mr. Patel stated same plan. Same plan as what is there.

Mrs. Yarnevich asked what accounts for the difference in why the Fire Department would be concerned on this side but not at all concerned when you talked to them?

Mr. Patel stated I went to them physically and I brought two copies to Dustin and I went with him also. Mr. Williams and Mr. Steve Blue looked over them. We corrected everything, reprinted the plans and then I submitted it as a final site plan. Like I said that's the reason because to prove it everybody said no. I did it. I put 60 ft. truck today on this drawing and like I said. **(Mr. Patel stepped away from the microphone to approach the Commissioners to show them the site plan).**

Mr. Andrew stated unfortunately Mr. Williams has never seen that drawing. So you're seeing it for the first time.

Mr. Patel stated he did not see the truck. This drawing has been given to you first before anybody. The same drawing, no change.

Mr. Ritter stated I don't think the issue is getting in with the truck it was when they had to back out.

Mr. Patel stated no the issue also was addressed when we got together here. He originally he said we have several choices, one was how we were going to turn. He gave us two choices; 1) give us a hammerhead or, 2) give us an access directly so we can go into Huehl Circle. That's why this access came into place after we discussed it. I don't know where we come back again with the hammerhead because that would not be possible because it was looked at by several people, even Bieberly Architect who was sitting in the meeting too. We changed everything according to talk we had at 11:00 a.m. I went back at 3:00 with everybody and said this is what we have done and it was rediscussed. So that's why the emergency access is showing over here and that's only for the emergency access. How they want finish, no problem. I'm willing to put a gate right now with a chain and the Fire Department has a key and we would have a key. If you want to put just a plain chain, I have no problem. If you want to put just a sign, I have no problem. Once you say we agreed with this and now they're saying it's not good enough. I don't understand that. I'm showing on a drawing that a 60 ft. truck can easily turn, how come a Fire Department truck can not turn? I want safety. I don't want liability on my head. So I'm not saying that I don't Fire Department. I want them to easily come in and out. I want the Fire Department to protect my building down the road. Because I'm not going to know what's going to happen tomorrow down the road. So I'm not saying that I don't want to protect the building. As far as the site goes, this is not squeezed in. This is still the right site. 2.58 acres for a 61 room motel



that is a big size. A lot of extra dollar can be spent on it. And that's the reason it's built like that. I am currently building on 1.29 acres with 72 rooms. This is a lot bigger. A lot bigger and the biggest one I've built so far in the last ten years. Any questions on this as far as the Fire Department access or the Fire Department truck before I go to the next issue? Please, anybody?

Mrs. Yarnevich asked what about the hydrant?

Mr. Patel stated the fire hydrant. Mr. Roger Williams asked us to put bollards, like stakes or metal poles, so no one can damage those. He asked me to put in two, I put in three metal posts. As far as Fire Department connections, we also talked in the meeting that originally we were going to propose a fire sprinkler system for the middle of the building towards the north side. He asked me to put his Fire Department feed on the west end of the building. So we're going to change the fire sprinkler system to the west end of the building. It's already showing that on the site plan. As for the water pressure, I have an answer for that one too. This is saying in this letter, everybody has the same letter, 2,200 gallon per minute water pressure is there. I went to Bamford Fire Sprinkler Co. today, who is a sprinkler designer for Salina. His letter I am going to give you in a second. He's saying right here to serve the sprinkler system requires 150-200 gallons per minute. And it also allows for 100 gallon per minute for Fire Department in case of fire. I have a letter here from the building engineer for how much water do we need for 61 rooms. He is saying we are 494 fixtures on a building for a 125 gallon per minute. What we have together is comes out to a maximum 425 gallon per minute water we need for this building including for Fire Department, sprinkler system and for the Fire Department to feed the water if they need to. We are 2,200 gallon per minute water pressure right now tested by City record.

Mrs. Soderberg asked with one hydrant?

Mr. Patel stated one hydrant.

Mrs. Soderberg asked so you're saying that the second hydrant is not necessary?

Mr. Patel stated it wasn't the issue of the second hydrant being the problem. Originally what they were saying they want to circle the water to the other side. Now when we're trying to get a water line from one side of the street and bring it back to over there we are talking at least \$30,000. And I'm sure City can afford that because that's a pretty normal cost to bring the water line underneath the street or back down the street and back down to the site. We are originally concerned with how we're going to fit the sprinkler system to the building in case of a fire. So we have a fire hydrant on the northwest corner and we also have the main building feed also on the west side. So it's like right there. And that's the only place that can feed the water if they need to feed the water to the building. The sprinkler system is there for one hour.

Mrs. Yarnevich stated I have a question. Did you say today at 3:00 is when you got this stuff all figured out?

Mr. Patel stated no.

Mrs. Yarnevich asked when? You said today at 3:00 you had been to the architect. Today at 3:00?

Mr. Patel stated no. I picked up that design showing it's enough space for the truck going in. That's all. Everything else had been submitted last week on Tuesday. It was due Friday and I submitted it on Tuesday. Everything

else except the drainage plan. Like I said, the due date was Friday and I submitted Tuesday. We discussed it Monday morning and everything was submitted Tuesday by 4:00.

Mrs. Yarnevich asked have you had any contact with the Planning Department since Tuesday?

Mr. Patel stated I absolutely did. I talked to Dustin in detail.

Mrs. Yarnevich asked he told you what the problems were?

Mr. Patel stated I got this letter yesterday. And as soon as I got this letter I discussed with Dustin. We discussed every single point of view. We went by your checklist and everything from landscaping, island landscaping, how many trees, how many square foot, how many percentage, how are we getting access, how are we filling the water. Except like this one, I got it today. Because they're saying 2,200 gallon per minute is not enough pressure and I know there is more than enough water there. Why do we need a second line to the property? Now if the City wants to provide me a second line I would be happy to put 10 fire hydrants in. But why would I want to spend \$30,000 on things that are not necessary. It doesn't have a good purpose. Am I estimating right if you put a water line underneath the street it costs about \$30,000 is that correct?

Mr. Nelson stated I have no idea.

Mr. Patel stated no idea. As a developer I know what the cost is of doing one. But that's the answer for the water flow. They want me to do a circle. That's the main thing. They want me to tie down the fire hydrant right now to Huehl Circle. Today we're talking a different story. They want a circle so it's a loop. It's good to have a loop. No question. I'd be happy to do it. But it doesn't come free. It costs money and \$30,000 is not a small chunk. It's a lot of money. It's \$300 for the next 20 years. So this is a letter just for you to preview. **(Mr. Patel stepped up to the Commission to show them a letter).**

Mr. Funk asked how is that sprinkler system served? Is it a dry system and then you hook your hose to it?

Mr. Patel stated no. It's a water based system. It's fully charged with 150 gallon per minute that is already pressurized. But in case of a fire the Fire Department comes in and they have a 3-inch inlet extra.

Mr. Funk asked at that building?

Mr. Patel stated at the building where it's accessible easily. The Fire Department can hook up their hose directly from the fire hydrant and push 100 gallon more per minute.

Mr. Funk asked more per minute?

Mr. Patel stated that's right. And that's why the professional fire sprinkler people said 150 gallon to 200 maximum required plus 100 gallon for the Fire Department. The professional mechanical engineer said 125 per so many fixtures. So we already got them. So we have at least five times more than we already needed there.

Mrs. Yarnevich asked have you gotten the Fire Department's write off on that, that they agreed that this is the way it is?

Mr. Patel stated the Fire Department was agreed with it as long as they understand the sprinkler system is going to be designed according to pressure.

Mrs. Yarnevich asked have you shown it to them and they signed off on it?

Mr. Patel stated when I talked to them they said you don't design the sprinkler system until your building is approved. So that's the reason I went to the sprinkler people and asked how much pressure do you need to design to sprinkle? And I told them to put it maximum. I don't want you to put 100 when you need 125. If you need 125 put 175. He did design for me also 12 hotels. So he's knows what he's doing. He does it all the time for fire sprinklers locally here. He's well known for sprinkler system. And he's the one going to be doing the design and he's saying that it's good enough. My mechanical engineer said it's good enough water pressure. If you need an extra fire hydrant, extending the fire hydrant and bringing one more. It's not a big deal if it's necessary. It's still a lot cheaper than going all the way across the street and bringing in an extra water line. That's the problem. I'm not against putting in an extra fire hydrant. I'm not against it if it's going to help the Fire Department I'm all for it. That maybe is going to cost \$7,500 but not \$30,000. And if it's necessary it has to be done. I am not disagreeing. Safety should be number one. But I don't see a reason for it. Any questions before I go to the next? Anything about fire access, fire truck accessing or fire hydrant?

Mrs. Yarnevich stated we reserve the right to ask you later.

Mr. Patel stated absolutely. I worked hard to do whatever it took. I was in a meeting and said that I'll do whatever it takes I'll get it done. Something that was impossible I got it done too.

Mrs. Yarnevich stated I think part of the problem is that the Planning Department is not comfortable with some of these things and it hasn't gone through them. We don't have a site plan that matches the things we need. We just have your word that you talked to everybody and that everything is ok.

Mr. Patel stated there are only two things that are not going to be matching. Access easement is not here. Everything else is here.

Mrs. Yarnevich asked what was the other thing? You said two things.

Mr. Patel stated the gas line. But it's just a matter of waiting for the answer. Nothing else. It's already there. The access easement is not there. I agree. That's the reason we got together with Danny. I told Danny that I needed his help and we needed to do something to please the City and I want to make sure we have a driveway because I don't want a land lock. Originally this lot was made to come from Schilling. The City didn't like that idea. No big deal. The same as Marcella. I was against that last week and I agreed with you in half an hour that I'll put it on Marcella Drive. Even if it's going to cost money. Because I see it as necessary. We don't want congested traffic on Schilling Road. Emergency vehicles can not get in and out and that's why we put that totally fenced with a gate so the Fire Department could go in and out. How do they want it paved? They want to gravel, asphalt or concrete road. I'm not against it. I'm all for it. That's the reason I put the wording I was saying "according to City requirement". So if the City said to do half concrete and half gravel so nobody uses the access I would do that. It's not a biggie.

Mr. Schneider asked Dustin on the water pressure question who is our expert to answer that question in the City office?

Mr. Herrs stated that would be our Utilities Director, Martha Tasker, who isn't present here at the moment.

Mr. Schneider asked if I heard him right he's saying tying into that existing line and putting in another fire hydrant on the south side so that the other trucks could have access to the east? If the water is there what would be wrong with that if the water pressure was supporting another hydrant?

Mr. Herrs stated that would be something that would be addressed by the Fire Marshal. The Planning Department doesn't actually review that.

Mr. Schneider stated but we kind of need to know that.

Mr. Andrew stated I can try to address that.

Mr. Andrew stated primarily because you can not get fire hose coverage to the east, southeast and northeast corners of the building from that hydrant way at the northwest corner. There is a maximum distance between hydrants and where they can extend their hose. That's the primary reason. The other reason it was called into question is that on Super 8 the fire hydrant and that line was determined to not be sufficient to run their sprinkler system. So what Super 8 did was they took a connection to the 12 inch line on the north side of Schilling Road. John if you want to go to the aerial photo please. This hydrant and this line here was determined not to be sufficient for Super 8 to service their sprinkler system. What they had to do was come out here to the 12-inch line on the north side of Schilling Road and install a line underneath Schilling Road and bring it in from the north. City staff believes that since it was identified as an issue at Super 8's review, and we discussed that with you, we think to be consistent we should identify that here. The other thing is that all that information you have in front of you Martha Tasker has never seen so it would be difficult for her to render an opinion on that for you. This is just not the general order in which we present things to you.

Mr. Funk asked that fire hydrant that we're looking at here, where is that served from? Is there one right now?

Mr. Andrew stated there is a line here in Marcella Drive that extends south from Schilling Road. The fire hydrant is served by a 6 inch line coming off of that line.

Mr. Funk asked that's existing right now?

Mr. Andrew stated that exists there today.

Mrs. Soderberg asked you're saying that fire hydrant, the Utility Department and the Fire Department determined that there is not enough pressure there in that fire hydrant for the smaller Super 8?

Mr. Andrew stated and the designer of the sprinkler system for the Super 8.

Mrs. Soderberg asked for the smaller Super 8?

Mr. Andrew stated yes. But that was done in conjunction with the designer of the sprinkler system for Super 8 as well.

Mrs. Soderberg asked you're saying that the Fire Department from your information that there is enough pressure and flow from that fire hydrant for your larger hotel?

Mr. Patel stated right now by City letter, by when they did flow testing, it was 2,200 gallon per minute. It's on everybody's letterhead and before what

they sent me. Based on 2,200 gallon per minute water pressure at the fire hydrant it is enough pressure by two professional who are doing these calculations daily.

Mrs. Yarnevich stated this has not been seen by the City. This information has not been seen by the City.

Mr. Patel stated I agree. I'm just going by total gallon per minute availability flow.

Mrs. Yarnevich asked but we're supposed to accept your word for that?

Mr. Patel stated I'm accepting professional word more than anybody.

Mrs. Yarnevich stated but you can understand how this is a dilemma for us.

Mr. Patel state the Fire Department did say that if the sprinkler people don't mind to calculate based on what is flowed there then they don't have a problem. It was approved by Mr. Roger Williams.

Mrs. Soderberg stated I find that difficult to believe that. We have to make sure the safety issues are addressed. And I know you want to also.

Mr. Patel stated if there are safety issues I will not ask for any exceptions for putting a second line. I will put it in a heart beat. If somebody comes up and says that you can not feed your water or fire sprinkler system or the Fire Department has no pressure I will not even ask anything. I will just put it in.

Mrs. Soderberg stated I don't think anybody is accusing you of not having a safe system.

Mr. Patel stated I agree. I will have to provide the fire sprinkler system to the City for their approval and to the Fire Department for approval. I cannot just install them because I feel like doing it. And I understand Bamford Fire Sprinkler Co. is aware of it before they give me the letter that is how much water they're going to need to feed that.

Mr. Simpson stated. Okay were there other issues that you would care to address?

Mr. Patel stated the gas line easement. Right now they're saying we're excavating in the easement.

Mr. Andrew stated that would be number 6 John.

Mr. Patel stated right now the City picked up the drawing today and sent it to Wichita and are waiting for the answer but I do have a legal ground on that. They have an easement with no disagreement. This line is about 6 ft. away from the property line to the south. What I'm proposing over here it's going even about 10 ft. from the property line north putting more dirt, not cutting dirt. And then cutting dirt. So I'm estimating about 15 ft. away from the gas line before even a little cut. As it's shown on the drawing and the detail on that same drawing has them showing **(stepped away from podium-showing Commissioners site plan)**. This is existing ground right here. I'm putting dirt over it before I'm going to excavate. The gas line is away from the property line. How much digging are we doing? Barely. Not even going deep.

Mr. Schneider asked how deep?

Mr. Patel stated no more than 2 ft.

Mr. Schneider asked do you know how deep that pipeline is?

Mr. Patel stated not really. The pipeline is south side of the property line about at least by 10 feet or so. The gas line is away from away from it. The gas line is not in the property line.

Mr. Schneider asked how far is your easement?

Mr. Patel stated it is 30 ft. right here.

Mr. Schneider asked 30 ft. on to your property or from the line?

Mr. Patel stated in both direction 30 ft. and 30 ft., 60 ft. overall.

Mr. Schneider asked from the actual pipe line or from the property line?

Mr. Patel stated from the property line.

Mr. Schneider stated ok, I see what you're saying. That's 10 ft. over.

Mr. Patel stated now if the gas company comes back and says that they will not let me put it on I'm sure then that the City has to work with me to give me the alternative. I'm not willing to say I will not do it. Whatever it takes to be done it will be done. We talked to KGS before we even started designing this. We're going to be putting a bump before we're going to put a swale. She agreed with it orally and then when the City got this drawing they said that we had to submit to each of them. It's beyond anybody's control. If City can't do anything then I can't do anything. I understand that. And they are persisting to get approval and there are some objections on it then I have to find some conclusions. I'm willing to do what the City wants me to do. If KDOT will not just let us dump the water directly. The flume is very minimum. The flow is very minimum. The more it's a pile of dirt holding the water and stuff going down to the ground. Because we're filling with more dirt. We're not digging the dirt near the gas line. I don't want to take a danger because they want me to sign a contract saying if I damage then I pay for it. I told them I would sign the contract. That is what I discussed with Debbie. That has to come from the approval of Engineer, from KGS or KPL and I'm not in a disagreement. Whatever they come up with that's what we'll do. If Wayne Nelson says there is a different option then I won't mind a different option. Before we did this design I contacted Pete Earles who is a designer of civil work. I told him to contact KDOT. He did that. I told him to contact Mr. Nelson. He did that before we even started designing. I told him to contact Debbie and he contacted Debbie. We contacted everybody before we started doing this design. And then we did this design and then they're saying hold on and they wanted to go a little slower. They gave us an easement to put our gas line. So that's the permission for it, 33 ft. is a long span to not use for anything but holding water. And that's what we're doing. If you're not doing construction. One corner of the parking lot is a gas easement. Last Tuesday in a meeting we discussed it and by Tuesday afternoon it was changed. Just like that, no big deal. Because I understand if they don't want to pave it. Then we will not pave it. That answer I do not have it because we are limited. How do you want me to do it? I'll do it. I'm open to it. I'm not saying I'm not going to do whatever it takes to meet it. We want to not be restrictive and refuse the proposal because the building plan / permit plan has only been 90% approved. If they're saying they're going to totally refuse it and we're only one month behind then that's what I'm against. You can put a conditional use on it. You can not approve it today because of a gas easement needing to be cleared and Marcella Drive. No biggie. I understand there are issues there. But these are not issues that can't be resolved.

Mrs. Soderberg asked what about the sign issue?

Mr. Patel stated that is the next thing I'm going to go over.

Mr. Simpson stated go ahead.

Mr. Patel stated seven years ago when I was building the Baymont my first condition was having a sign over there to be able to develop a 2 million dollar to 2 ½ million dollar property over there. If you have a chance sometime next week to drive on the highway and see how big the Baymont sign is from the highway. It seems very little. To put two signs on one pole the franchise is going to have a problem. One it's a Choice Hotels International Comfort Suites and Baymont is by Wyndham Hotel Group. The sign is too small. They are two different developments. How come the City can say we can not let you put the sign up and you open a 3 million dollar business over there? That's virtually what they're saying. As far as a 15 ft. sign, I don't mind to change it to a monument sign. That's no biggie. But as for the highway sign for the business for the hotel a 70 ft. sign is required. I've been to this town before for the Baymont seven years ago and every property I built the sign approval was important because that's essential to have a sign over there. It's not like I'm going to multi-signs because the sign costs about \$60,000 to put up what I'm proposing. If you are spending 3 million dollars for the building and you don't put a \$60,000 sign over there then I'm being foolish to even develop over there. So a 15 ft. sign is no problem. It can be a monument sign or an entrance sign, whatever the City requires. As far as the pole sign, I do ask you to grant it on that. But it's not for the same business. Eventually I'm going to be the developer. But if I sold that business to somebody else then somebody else will come in there and ask if they can have a sign over there. And you'll say no sign. There will be no business with no sign.

Mrs. Soderberg asked so you have no alternative for the sign issue?

Mr. Patel stated for the big sign that is correct. Because two different businesses require signs. Baymont is a block and a half back. Baymont would have not been developed and paid to the Saline County \$60,000 a year property tax if the sign had not been there. And I did not make \$60,000 a year that I paid Saline County per year. That is true in the books. Not just wording. It's in the books.

Mrs. Yarnevich asked do you own the other motel too?

Mr. Patel stated yes ma'am. But Comfort Suites is a totally different type. It's upscale.

Mrs. Yarnevich stated I was just trying to figure out the first motel how they managed to get a sign on somebody else's property. That's because you own the property?

Mr. Patel stated no. I bought this land just in December. The easement was my condition before I started developing Baymont to PDD and to also have Danny Huehl to get me an easement over there so I can get a sign. If there is no sign then there is not motel.

Mr. Andrew stated in 2000 the Planning Commission and City Commission denied the request to have a large pole sign on the Baymont property. But this zoning district allows you to put up off premise signs, in other words, signs that advertise a business that's not on the location where the sign is. The developer's granted a sign easement to allow this sign to be placed there off the premises of the Baymont Inn.

Mrs. Soderberg asked why was it disallowed on the property?

Mr. Andrew stated the Baymont Inn property was not even zoned for a motel when it was first proposed. It had to be rezoned and because of the character of the area, distance from the interstate and the desire to have a sign of that size the request to have a separate pole sign was denied. It was thought that the cupola design and the sign that was already mounted on the building would suffice. And that was the decision made at that time when the Planning Commission and City Commission reviewed it. And the reason the City Commission reviewed it was because the zoning had to be changed to allow a motel to be built there.

Mrs. Yarnevich asked and you're going to move that Baymont sign further away from the Baymont building?

Mr. Patel stated yes. It will be further away from it but when you come up to the building it is right there. It is just moving from south to north and north to south. If that is not ok by the City then I'll leave it alone. I tried to relocate but that is not going to change anything. Because that second sign would be on the south side. And we just need to tell people that the Baymont is there by arrow. That is the only purpose of it. And if you're spending 2-3 million dollars on a business and if you cannot even represent yourself what kind of business are you making it? That's the biggest question. And I understand that it's going to be two different signs but it is for two different businesses. If somebody else would have bought this lot besides me and came here asking to put a sign, is the Planning Commission going to say they can't have a sign and they're just going to have to develop it or not develop it? I asked Dustin the same thing.

Mr. Mikesell stated I think the Commission's concern is that if we do that for you, if Fazoli's for example in the same type of district wanted to put up another sign, we would have nothing to stand on to say they can't do it.

Mr. Patel stated no but this Baymont sign was approved by Commission for different area from business before it was developed. That was opened seven years ago. If you look in the history it was developed.

Mrs. Soderberg stated in hindsight it probably wasn't a very good idea.

Mr. Patel stated then like I said mine would have not been there, Baymont would have not been there. And I'm saying this as the truth. I did not make \$60,000 I put \$60,000+ and cleared every year a job. Am I the best gainer? Yes and no. The City and County show as gaining because jobs are there. I am not there every day. I didn't bring people from out of state and tell them to run it. And the same thing will be for Comfort Suites. I am a developer, I want to be reasonable and I want to be safe. But by the same token I want to make sure that something is feasible and not something that is out of line. Like I said, I did not do this as the first one. I've done multi of them. When it comes to safety my name comes first. My liability is before anybody. I don't want to do it unsafely.

Mrs. Soderberg asked so your bottom line is what would you like from us today?

Mr. Patel stated conditional approval, having it at Marcella Drive recorded and given to the City and the gas company approved. Two conditions I will get done. Any other concerns I'm open to answer it. I discussed detail with Dustin, Mark, Mike, Fire Department and everybody. I haven't talked to Dean too much because Dean is so busy. So that's why I discussed everything with Dustin. Otherwise I would bug him a lot and he would throw me out from his office. Again like I said, it's not something against anybody but you have to realize the building permit is pretty close. If this does not go through the building permit can not be issued. And that's normal and I understand that. The building plan has been reviewed with some comments



close to nothing. These were the major comments and that's why I rushed to get everything done within two days.

Mrs. Soderberg asked so two weeks is a deal breaker for you?

Mr. Patel stated not totally. Not totally refusing. I'm just asking for conditional approval. I don't mind to come back to the Planning Commission. It is not a deal breaker at all. Absolutely not. I'll come back to the Planning Commission again. As far as KGS, I said if you want me to drive to Wichita, I'll drive to Wichita. Whatever it takes. I called them yesterday and told them that I don't mind to email, call or hand deliver them and I don't mind to sit down and review it with them. I want to get it done. Once I get it done I want to get it done. I don't want this to hang on forever.

Mrs. Yarnevich stated we feel your pressure.

Mr. Simpson asked were there any other issues that you wished to address? Any further questions?

Mr. Patel stated no sir.

Mr. Simpson stated ok. Alright, thank you sir.

Mr. Patel stated and like I said Danny Huehl can give his side.

Mr. Simpson stated alright. State your name and address please.

Danny Huehl, 745 Huehl Circle, stated I live there in that development that we built. I don't want to hold you up an awful lot. He's answered pretty much everything that was my concern. But as a developer, we started years ago and I think Dean is the only one left around here that I've dealt with. I'm not going to point any fingers or anything like that. But, we tried to develop this property to what code was, what the future plans would be. We've had the property probably longer and you guys have made updates to your ordinances, signage, roads and easements. But as far as the easement off of Schilling and Marcella, that was adequate standards back then so that's what we went with. As far as the gas line, we've always worked with KG&E when we've had to put something in there. As far as what they regulate we have no control over it. But I did visit with KDOT before I came in here. And I wanted to point out that we gave the land to KDOT to put the interchange in. We didn't make a dime on it so we could better go along with future development. That was when Wal-Mart and everybody started coming out there. They always said if you ever have anything in the future that we would love to work with you or help you out. As far as the drainage problem and this gas line I just visited with KDOT supervisor Duane Bender before I came and he said that whatever the City would require for runoff for the property they would sure look at it in a favorable manner. I been living down there since 1991 and even with all the floods and the weather conditions we've had, back there behind my home and it's right there at the end of Marcella about where Cedar Creek Estates starts at the mobile home park, it's never filled up or nothing. And we have Dry Creek there too. But as far as your requirements for drainage and surveys and studies go I have no control over that. But as far as the property itself, the fire hydrants that are in there and existing right now, we put them in there because of what the staff recommendation called for. That's why they are currently there. There is one right by Marcella behind the Casey's building and then there is one east too. So I'm here to answer any questions. The property that is left there vacant we really don't have a lot of options to deal with the property. We have some businesses that have inquired and talked to us about putting in some maybe some townhomes. We already have some duplexes across the street from Marcella there. We've had some people just ask about it. We don't

anticipate putting in any high volume-type large business. If you see where the property is located it's going to have poor visibility. Just like when he was asking about needing a wider easement there for Marcella. It would not only benefit him but it would also benefit us too to work off your recommendations. So whatever you guys agree we'll try to work with you.

Mrs. Soderberg asked would you disagree that the preliminary development plans provided for Lots 1, 2 & 3 were based on Lot 3 being developed as a single development tract? Was that always your impression?

Mr. Huehl stated no. Not always solely. We would always come back to an engineer or whoever was working with us at that time and ask what can we do with this property. And they would say this is what you would need to do and they would actually go with the guidelines of what the City offered at that current time. I'm not going to say we agreed or didn't agree. We just didn't know what the future was going to bring for Salina. Salina is growing and south Salina is sure growing and there are changes and changes have brought about these problems that we're dealing with today. I don't foresee any safety reasons if we need to put in an extra fire hydrant in or if we need to give a wider easement. I'm willing to give him up some property to help with it. Whatever we can do to make that property feasible is what we would love to see.

Mrs. Yarnevich stated I guess I'm a little bit confused. Because I thought when you had a lot you just don't divide it without having a plat that says it's divided? Is that not true?

Mr. Huehl stated we didn't actually intend on dividing it either. It was one piece and they actually offered to buy it at that price of what the divided would be and we just went along with it. I don't think we even intended on dividing it up either because we didn't know what would ever go in there. One time we had a Cracker Barrel that made an offer on the whole piece and we've had some other interest in there but then they decided that Salina wasn't a big enough town for them at the time. So we have had other people actually write contracts on that property.

Mrs. Soderberg asked so basically you did see Lot 3 being developed as one?

Mr. Huehl stated that is what was presented to us by staff and our engineer. They didn't say we couldn't divide it and they didn't say that it wouldn't be feasible. They just said that you could leave this piece 1, 2 and 3 just keep it simple. But they never once said that we had to remain to those things. As far as the signage and stuff, we worked with him to put that Baymont signage out there where it is today so he could have visibility for his motel. We've tried to make the property feasible for what's going there.

Mr. Simpson stated ok. Any further questions? Thank you sir.

Mr. Huehl stated thank you.

Mr. Simpson asked is there anyone else that would wish to address the application?

Mr. Andrew stated one thing that we would just like to take the opportunity to do is to explain a little bit the process by which final development plans get filed and get placed before you. We basically have a 30 day review time where from the date the application is filed, if it does not require a public hearing notice, which this is a final site plan for only a portion of what was preliminarily approved back in 1993, we review the plans that were submitted and we generate what we call a plan review comment letter, which reflects the comments of all the various departments, and then after

that was sent it out we had a meeting with Mr. Patel and his architect and representatives and went over the contents of that letter. One of the items that was in that letter that still really hasn't even been touched on today is the fact that, if you could go to number 4 John, this hydrant in the northwest corner must be relocated, given the fact that it must be relocated and it must come in this way and this way, taking that island out of there and the bars and everything else allows this opening to better match up with the access road coming in there. This is an item right now that has not really even been touched on or addressed. The other item and the way that this staff report was prepared was we went back to the review letter that was sent out and myself and the Utilities Director and the Fire Marshal went over that and we determined which items in that letter had been addressed and which items had not been addressed. In the listing that you see in the staff report of unresolved site issues were items that were not addressed. The Fire Department in that letter requested that a second hydrant being fed off of Huehl Circle be installed to serve the east and northeast side of the building. The developer / applicant and his design professional chose not to do that. But it would not have been responsible of us to have requested that in our plan review and then ignore it at this stage. It was requested then and so certainly all of the contents of this particular report that went out to you was reviewed with those plan reviewers to see if these issues in their minds were still unresolved. The other point is that it is certainly an option for you as a Commission to approve the plan subject to certain revisions or conditions. The challenge that we felt we had as a staff would be to comprehensively list all the revisions and conditions that would need to be made to make it acceptable. We got to the point where we thought it would be much better to have an approved plan with a list of revisions that was much shorter than then we could present to you with those items resolved. I can not speak for the Fire Marshal but we have certainly reviewed many motel plans and many of which required the installation of a second fire hydrant because motels are multi-story buildings and are very long and to get coverage to all sides of the building you simply can't do it with one fire hydrant. That was requested and it was made a requirement on the Super 8 motel. But they had to bore under Schilling Road which is certainly a more expensive proposition than coming under Huehl Circle. I just wanted to clarify that our process is that we took that review letter and reviewed all of those comments with Fire and Utilities before putting this list and report together. Certainly the other part is that we as a staff try to resolve internally as a staff as many of these issues as possible before we bring it to you for your consideration. I would not have any problem or difficulty if you as a Commission want to tell Mr. Patel that you are willing and don't have a problem with approving a plan that develops only the eastern portion of Lot 3 with the idea that they come back to the next meeting or future meeting with an actual plan that addresses these in some detail and depicts them because this is called a final development plan. What that means is this is the plan that you build the building off of. So that is our reason for recommending alternative #3 is that we thought that cataloguing all the revisions or potential conditions might be an exhausting process and we thought the better thing would be to have an approved consistent set of plans that we could call final.

Mrs. Yarnevich stated especially if they're going to have to bring it back two weeks later anyway to show it.

Mr. Andrew stated the choices would be to say this what you have in front of you is the final plan and we'll approve it subject to the list of conditions and revisions. Or if you are comfortable with saying we have no problem with a motel and only the East 258 ft. of this lot being developed that you want to have a cleaned up final plan with those issues resolved before you vote to approve it. That is certainly an option.

Mrs. Yarnevich stated I have been on this Commission for a few years and I have never seen anything with so many unresolved site issues. I wouldn't even want to make a motion on how to approve it with conditions.

Mr. Andrew stated I think the only advantage was that it is certainly not staff's goal to try to prevent a motel from being built on this property. It was platted and zoned and designed to accommodate it. It wasn't designed to accommodate it only in the east half. But if it gives the applicant comfort that you say you're willing to endorse the concept of developing only the east half of this property subject to bringing back a final development plan that addresses some of these issues that would give him some comfort. It's not our recommendation that this be denied out of hand. It's just that we don't think that the needed revisions and conditions can be addressed during a meeting like this.

Mr. Simpson stated I would agree with that.

MOTION: Mrs. Yarnevich stated I would make a recommendation on application #PDD88-4H that they resubmit it to the Planning Commission after they've made the revisions to the site plan and addressed the items when the Fire Department signs off on it, when the gas company signs off on it, when all of those people have given their ok and then bring it back to us with any conditions that you deem necessary.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved any seconded that revisions be made to the plan before it comes back to us. Any further questions or comments?

Mrs. Soderberg stated I would just say that there is I think something of a philosophical issue. And balancing the point of the PDD as it was envisioned to begin with and balancing the needs of a developer and balancing the needs of a community not being so rigid because we said this was not the vision when it was originally planned. We thought Lot 3 was going to be developed as one unit. So now that's changed. We understand why it's changed. But to castigate the staff for pulling back and saying this is a substantial departure of that plan. It is a substantial departure. I am going to vote for the motion but I think we also need to be aware that there was a reason why it was this way at one point and we are departing from that.

Mr. Andrew stated our point was that there was a reason that a traffic signal was built at Schilling and Marcella and that is because that is where we were wanting the traffic to go more safely to get out to Schilling Road. We want to get the traffic out there if we can.

Mrs. Yarnevich asked we are departing from that in that we are allowing just part of it to be developed?

Mrs. Soderberg stated and I understand that needs change.

Mr. Simpson asked any further comments? There appear to be none. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #5. Application #P07-2/2A, filed by Kevin Christensen on behalf of Commercial Tire Center, Inc. requesting approval of a replat of a portion of the Hocking Addition to the City of Salina, Saline County, Kansas. The subject property is located on the north side of West Crawford Street west of I-135.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file. He stated Mr. Place may have some additional comments regarding the information we requested.

Mr. Place stated what we had asked for, like Dean said, is just a circulation pattern of what the truck traffic through there would be. The plat does show a 40 ft. ingress-egress easement which does provide full access to that site. I do have some questions in the area primarily right where that break in access would be. There is an ingress-egress easement that goes to the north on there that bounds on the south end on the left side. It actually goes right into the controlled access. It is very minimal. But that is also a concern right there. I would like some justification on why a 60 ft. break is requested over a 30 ft. and again just what the circulation pattern would be. When we had spoken about it before I had mentioned that I thought a exit only situation would be the best because of most of the truck traffic is going to be coming from I-135. To reroute that traffic past the current intersection through this new entrance, if wanting to go into this site, might in my opinion cause some traffic issues. If we could keep the pattern as it is right now and then provide that location to be an exit only it could potentially help some circulation so they wouldn't have to do a turnaround in the back of the lot. But I have not received any additional information.

Mr. Simpson asked any questions? Would the applicant or representative care to address the Commission please? State your name and address.

Kevin Christensen, 2539 Dundee Lane, stated I did not get the information back to them. I just actually in the last two days have got it. Ed doesn't live here. He is the owner of Fleming. He is the president of Fleming Corporation and I had to talk with him because we have a dilemma right now because we can't really give you what the traffic flow is supposed to be because part of that entrance is owned by the Red Coach Inn and that is not something we control. If you could pull up the overhead picture.

Mr. Andrew asked are you saying the only legal access to the travel center is that west driveway?

Mr. Christensen stated yes, the west driveway.

Mr. Andrew asked do you have a shared agreement, where that truck is, that is not supposed to be happening?

Mr. Christensen stated no there is no shared agreement there. When they asked us that, and I talked to Ed a couple of times and he didn't quite understand what I was talking about and I couldn't really answer his questions. Regardless what we did was, we sat down a couple of days ago and we kind of just drew up what we thought we could do with it. We still want the 60 ft. entrance. The reason for that is if you go to Bosselman's you'll find 85 ft. If you go to Petro 2 out there, another truck stop, the whole length of it is all curved entrance with a slight swale. It doesn't come off a main road though. It comes off a smaller road. This picture is actually really nice. If you take a look at that picture with that semi pulling in there that's a 40 ft. entrance. Actually, let me see what this one is. That's the 32 ft. entrance. That semi is on a consistent basis, there is about a 2 ft. hole on that side of the entrance. It happens everywhere. Even out at Bosselman's they have 85 ft. and they still have that problem. Obviously we deal with big trucks everyday and that's all we deal with. We feel that 60 ft. is very important with a big curb on it just to prevent the mud and semi's dropping off the side of it and dropping and hitting. I did bring what we just kind of drew up what we thought the traffic pattern would be. But I knew I didn't get it to you guys in time but regardless I was going to get it to you later and I thought maybe we could push through it with a provision saying that providing the entrance to the controlled area is approved then we could at

least push forward on it. Also the modifications to the building, I was hoping we could set up some sort of a putting a certain amount of money down or a bond.

Mr. Andrew stated I think that's what we discussed. A performance bond of some sort. We would estimate what the improvements would do and would just have that in place. It wouldn't have to be done immediately but we have agreed upon what would need to be done and the performance bond I'm sure that could happen. That's a reasonable condition.

Mr. Christensen asked is that a number that we come up with here?

Mr. Andrew stated we would work with you and the Building Official and just have an agreed upon number. The final, in terms of dedications, the final decision on what that width or access opening would be for the City Commission but they would be interested in what the Planning Commission thinks. I'm still going to defer to Karlton about what he thinks we need to do in terms of responding to this 60 ft. request. There could be a stipulation if you agreed to it that it be designed as a exit only. But if that is the case then if we don't have right turning trucks there may not be a need for such a driveway width. But I'll defer to him as to what would make him feel comfortable.

Mr. Christensen stated one of the reasons that we really want to make sure we have an entrance, because we really want to buy the property. If you take a look where the canopy is, where the pumps are, right now those pumps on the south side of the building, I can show you a picture here. One of the biggest problems is to try and get a customer to the west entrance to Commercial Tire's property they actually have to drive through where the pumps are. There is a huge divot out there and there is a semi that parks there and has to fill the tanks up because the tanks were actually put in the easement. There are four tank inlets where they actually pump the gasoline in. These are actually right outside of the this. This semi has to sit right here and pump for an hour to an hour and a half. You can not, unless you drive through here and go around this property, get to this building. **(Stepped away from podium to show Commissioners a site plan).**

Mrs. Soderberg asked what I don't understand, Dean if you would go up to that overhead there, after this division is made who owns what there?

Mr. Andrew stated this right now represents not the platted lot line but the property line. This line represents the boundary. What they're proposing to do is come over here and put a lot line here and that will create a parcel for the Commercial Tire building. And also they're creating a third lot. They have an L shaped parcel that comes off of the street. There will be a parcel shaped like this back here so we end up with three lots; 1) the Travel Plaza, 2) Commercial Tire and 3) future development.

Mrs. Soderberg asked why would there be an issue if there's no issue with another entrance into the tire business, that's not an issue?

Mr. Andrew stated that's what is an issue in terms of discussion.

Mrs. Soderberg stated I understand the size is an issue.

Mr. Andrew stated I guess what Mr. Place and I have had a discussion about is we have most of the traffic coming here is coming from I-135 and most likely would enter the first driveway.

Mrs. Soderberg stated but the tire company doesn't own that. So why would the Travel Plaza allow the tire company traffic? I don't know, that would be an issue for me.

Mr. Christensen stated that is an issue for us.

Mr. Simpson stated Lot 3 as it comes down could have an access on the west side.

Mr. Andrew stated the driveway that is being proposed could serve both of those.

Mr. Simpson asked both 1 and a little strip of 3 on the west side?

Mr. Andrew stated because of that it may not be feasible to have that as an exit only.

Mr. Simpson asked is the easement then further west?

Mr. Andrew stated this is the building here. This easement right here is pre-existing. What it means is that if a farmer comes in this driveway and drives along here, basically what that means is that you can't put a building or any type of construction or anything that would keep that land owner from being able to drive through there to get back to the farm ground. So that would remain in place in this case.

Mr. Simpson asked that is essentially Lot 3?

Mr. Andrew stated it occupies part of Lot 3. There is no plan to build anything there. The plan is to build in behind and the purpose of that was to give Lot 3 legal frontage. You can do things with cross access easements. We'll have to look at the survey. We have a survey on this property and we'd be able to show shared access that is in place. But that point is well taken. If Commercial Tire is to function independently or Lot 3 have independent access then the west driveway would almost have to be two way. Then it becomes a question of design and width. Bosselman's was developed in the County and then came into the City. I know on Petro 2 we approved 40 ft. driveways for almost every entrance because of their truck traffic. But I am hard pressed to come up with an instance with a 60 ft opening. But we'd be happy to look at that and see what we have in the way of comparables.

Mrs. Soderberg asked Dean did you say that apparently there is an issue of the hotel having some ownership with the current entrance drive?

Mr. Andrew stated the way a lot of these things are done. If you look at the Green Lantern that is at the corner of 9<sup>th</sup> and Magnolia, technically that property has no driveway and the only way you could get to it is you'd have to drive across the Mid-State property to get to Green Lantern. So what they do is they give them shared access easements or agreements saying my customers can drive across your property and your customers can cross our property. What Mr. Christensen is saying is apparently traffic is going in that driveway driving across what is the motel's property trying to get into the travel center. Generally if you're an owner and you're having to do extra maintenance or repairs because your driveway is getting beat up by trucks maybe you don't want to see that happen or maybe you want to formalize an arrangement. But I think what he's saying is it's not a formalized arrangement.

Mr. Christensen stated now that there is a new owner of that motel that has become an issue in the last three months. It is an issue now and wasn't before.

Mr. Andrew stated it's possible the motel could change this if they wanted to put up a fence or barrier or something here along the property line.

Mr. Mikesell asked Mr. Christensen could you go show us on the map an idea of how you envision traffic flow around that building and give us an indication of how a truck would go in there and where the doors are at?

Mr. Christensen stated trucks come back here and there is no way out unless they cross our property. What we're going to do is make it so they can turn around here and come out here and come back out here on the west. As you see this truck is about ready to go into the grass like it always does, anyway if you're going to have a vehicle come in here and turn around you're going to need 60 ft.

Mrs. Yarnevich asked how wide is that across there?

Mr. Christensen stated this is 100 ft. I don't have my paperwork with me right here but I believe it's 100 ft.

Mr. Andrew stated about 100 ft. total and 67 ft. on one side, 33 ft. on the other.

Mr. Christensen asked do you have any questions? Is that sufficient? Does that explain what you're looking for?

Mr. Mikesell asked and you would have an easement agreement in effect for Lot 3 to use that same driveway so we wouldn't be addressing this issue again?

Mr. Christensen stated yes. We're going to have an easement agreement between us and the travel plaza. There is no agreement between the Red Coach and the Salina Travel Plaza. That is one of the stipulations that Ed has is that he has to have that agreement for him to sell it to us.

Mr. Simpson asked any other questions?

Mr. Funk asked Dean didn't you say that a lot can be split once?

Mr. Andrew stated a platted lot can be split once. If we did this outside of a replat we would be splitting Lot 2 a third time with this. Because it is split right now between the hotel and the travel plaza. This plat that you see doesn't correspond to the ownership. The motel occupies part of Lot 2.

Mr. Funk stated on this last page I see a big Lot 2, I assume that is the Travel Center?

Mr. Andrew stated yes. What this drawing does not show is the motel. That is going to stay as it is.

Mr. Funk stated I thought the motel is to the right of this drawing.

Mr. Andrew stated yes. It's not on the drawing it's to the right hand side off of the drawing. So we're replatting a portion of Lot 2 into three lots. Just for clarification and Mr. Place could probably explain this a little better than me, we measure the width of the driveway at the property line. You could have a 30 ft. driveway at the property line that was 60 ft. wide out at the street. So you could put as big of radius as you want on a driveway. What we are concerned about and regulate is how wide it is at the property line.

Mr. Funk asked is there access control coming off the interchange that goes up to the drive for the motel? Is that all controlled access?

Mr. Andrew stated yes. That is KDOT restricted access.



Mr. Funk asked is that where it ends?

Mr. Andrew stated yes. Where the drive is from the motel is where that ends. The reason why we're all discussing this is on the Hocking Addition plat the only approved opening is where it is today. So we're trying to use the replat mechanism to discuss the possibility of having a second opening by plat.

Mrs. Yarnevich asked how far apart are we on the size of the opening?

Mr. Place stated I would just like to see again what it's supposed to be with it being inside the city limits and comparing it with a project we're dealing with right now. Another issue would be what size of trucks that are going in there. We can actually put what they would consider a WB50 which is just a design vehicle in a 30 ft. entrance. That is a regular size semi truck inside of a 30 ft., as Dean said, at the right-of-way entrance. As those trucks get larger there is not too many vehicles that we can not fit into a 40 ft. drive. The right-of-way line is deeper than what we typically deal with so that allows for trucks to maneuver better in there. One thing I want to kind of change from that a little bit and I don't know if either I'm seeing this wrong, it's something that I actually just caught, but the plat clear down on the southwest side where there's the property line between Lot 1 and Lot 3 it actually jogs over. At that jog we're showing that 10 ft. ingress-egress that is on to Lot 3 with 15 ft. that is on to Lot 1. That extends all the way down to what is the right-of-way line which would currently have controlled access. That would mean that there is a little piece in there that is Lot 3's land that Lot 1 does not have access to.

Mr. Andrew stated he is referring to this area right here.

Mr. Place stated it jogs over and there's that little rectangle piece that's just to the west there that is not addressed with any of the ingress-egress and I think that is a potential issue. And I overlooked that until just right now.

Mr. Mikesell asked how many feet is it from the property line to the roadway?

Mr. Place stated it's 35 ft. to the centerline of the property line. You're probably looking at a 12 ft. lane so you'd probably have 63 ft. to the edge of the driving lane.

Mr. Mikesell stated it seems like a pretty long distance. I mean most semi's are 60 ft. long.

Mr. Place stated that again allows for some additional room to pull a semi truck in there. That's probably one of the reason's I'm hesitant to do much more.

Mr. Funk stated just make sure you provide plenty of radius on those curb returns coming off of Crawford.

Mr. Place stated yeah.

Mrs. Soderberg stated it doesn't matter. A semi is going to take more than whatever you give them.

Mr. Christensen stated yeah. You have a truck turn in you don't want to pull in beside them because even on a city street they pull out and come around a corner and a city street is, depending on what it is, 30 ft. It's definitely an issue with us because we feel that the access is so important for our business. The convenience is very important. That and if you're trying to pull out and a semi is trying to come in and you have 60 ft. of road or 63 ft.

of actual street there. You're not coming in and like this and trying to make a corner. It's a semi and it's coming in here and then cutting back. If you have another vehicle trying to exit that means this vehicle has 60 ft. which means it's going to have to back up because this semi can't make that corner unless there is nothing in it's way. That's why we feel we need 30 ft. for that semi to make that corner, or at least 40 ft. for that semi to make that corner and have extra 10, 15 or 20 ft. for another vehicle to be sitting there and not worry about being hit or having to back up. You've all been sitting in a turning lane before where you had to back up and that's what we don't want to have. Because when you have two semi's sitting there waiting to leave a place and another semi waiting to come in that's a definite problem. We see it everyday and that's why we know.

Mr. Mikesell stated I guess I'm a little bit hesitant to make Mr. Place make a snap decision.

Mr. Christensen stated I'm not asking him to.

Mr. Place stated also again on top of that what we had talked about in the DRT meeting was what you just alluded to before was an access easement, shared agreement between Lot 1 and Lot 2 where they actually travel behind and circulate in that direction. And up to this point that is mostly how I've seen this going. When we had the meeting they talked about entering in from the north side and coming through to the south. So it would make sense if we would limit that access point to an exit only. If we've change that idea since, I'm not 100% opposed to it, it's just the other issue then becomes proximity to the current access into the site.

Mr. Christensen stated ok.

Mr. Andrew stated I think the other thing that we would like to do is review those properties like Petro 2, the other truck oriented businesses. To my knowledge a larger than 40 ft. opening has never been approved inside of the city limits. I think we would like the opportunity to work with Mr. Place and Mr. Christensen to develop an inventory. Again you're not being asked to make a 60 ft. decision if we can't support that it's been approved before. To my knowledge it hasn't and that's the only reason we've been hesitant.

Mr. Schneider asked could you enlighten me on what's wrong with 60 ft.?

Mr. Andrew stated the reason why we are concerned about the width at the property line is that Engineering studies show that once you get past 30 ft. and when you have two way traffic and when you get wider than that they don't know if it's two lanes out or two lanes in. If it's about 30 ft. it's about the width of a street and the right hand traffic stays to the right 15 ft. and the left hand stays left. Once you get wider than that and you're at 60 ft. you're more in a free for all situation of people not knowing what side they're supposed to be on and so the 30 ft. again is at the property line. If you want to go out and put a big radius on it to allow trucks to turn and be 65 ft. at the street, the 30 ft. is not to pinch the turn it is just to control in's and out's at the property line.

Mrs. Yarnevich asked what if you had a divider, just a small divider maybe 40 ft. for the ingress and 20 ft. for the egress, that would direct the traffic in one way and out the other so that they wouldn't take up the whole thing when they turn? I was just thinking if you had a little concrete divider that said welcome or whatever. If you're going to come straight out you wouldn't need as much room. You wouldn't need as much room to come straight out as you would to make the turn so you could divide it into 1/3 or 2/3 maybe.

Mr. Christensen stated that's something we hadn't thought about but it does make sense and it would control it.

Mr. Andrew stated but that would need to be drawn up and given to Mr. Place and an opportunity to respond to it. If Mr. Christensen doesn't have an objection to that we'd like to use between now and your next scheduled meeting to get that detail worked. Because that is really the only issue on this plat is the access point and the access width and how it would work. Like he says, there is no point in going through this replat process if we don't resolve everything and this would be the last point to resolve.

Mr. Simpson stated it looks like all the parties will have the information needed to sit down and work out whatever needs to be done and can be brought back to the May 15<sup>th</sup> meeting.

Mr. Christensen stated ok.

MOTION: Mr. Funk asked do you need a motion on that? I move that application #P07-2/2A be postponed for two weeks so that the necessary issues can be addressed.

SECOND: Mr. Mikesell.

Mr. Simpson stated it has been moved and seconded. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #6. Other matters.

Mr. Andrew stated it looks like Laurie is going to be ordering pizza for you at your next meeting on the 15<sup>th</sup> because of the volume that we carried over from today. We do have one additional item, at the west end of Wall Street and Vortex Avenue the Airport Authority is doing some cleanup replatting there. There is a taxi-way that they had planned coming off the runway that they're not going to build and Geoprobe has another facility out there that they're building. It's a minor replat to clean up some items out there. We'll have a couple text amendment items that we may discuss but just defer because we're going to give precedence to these actual land use applications as opposed to discussing the zoning text amendments. There will be that one additional plat item and we will work between now and the 15<sup>th</sup> to get the items related to #4 and #5 resolved.

Mr. Simpson stated very good. Just to follow up on what Sydney mentioned earlier. We really do appreciate the thorough staff reports that we receive and it's difficult to try to make changes while somebody is here saying, "I'll do this, I'll do that. No problem". Well, people deserve a hearing certainly but these things need to be worked out prior to our taking official action on them. I hope we continue that process because we can't ask Karlton, for instance, "here's something I just brought to you. What do you think?". It doesn't serve anybody well and we appreciate the staff's reports.

Mr. Andrew stated the point being that it was not so incomplete that we could justify keeping it off of the agenda. One could ask them to step up to the microphone and say we understand, give us two weeks and we'll have these all fixed.

Mrs. Yarnevich stated I was not complaining about City staff and I do not want that ever to be thought.

Mr. Andrew stated we try to pride ourselves on reviewing everything very thoroughly before we put it in front of you.

Mrs. Yarnevich stated I apologize if that was ever an issue because that's not what I thought.

Mr. Simpson stated no, not at all. I'm not sure the applicants understand that thoroughly though.

Mr. Andrew stated I felt sorry for Mr. Herrs because he predicted last week the scenario exactly as it was. He had a new set of plans laid in front of him and asked what he thought and wasn't given any time to give any feedback. When we sat down as a group and looked through everything we found things that were still unresolved.

Mrs. Soderberg asked could we have the Fire Marshal here next meeting?

Mr. Andrew stated we could do that.

Mr. Mikesell stated I have some issues regarding flow in terms of gallons per minutes versus pressure. And also, if in fact we do approve the plat to do the East 250 ft. of that thing, what if a condominium comes in there, would they not be sharing that fire hydrant as well?

Mr. Andrew stated the reason really you can't make the decision easily is you can't pretend the Super 8 is not there. Super 8 is there and they're not hooking up to that hydrant. If you put yourself in their shoes they had to go out and bore Schilling Road to get water that they needed and we couldn't ignore that. The other thing that I would just mention was that historically, and it doesn't have to be that way and I actually invited the Fire Marshal to attend that meeting, their response was you Planners do a good job of articulating our issues for us so we'll rely on you. We asked if there was anything in our report that they disagreed with. They said no and that they've read it and agree with it as it's presented. We do sit here and purport to represent the other departments. We're not technically as knowledgeable as they are but what we do is say are we correctly portraying your views on this and confirm that before we take it to you. We can ask the Utilities Director and the Fire Marshal to attend.

Mr. Simpson stated again the information you had today you can bring back and you all can review on water flow and what's adequate and what isn't.

Mr. Andrew stated the letters that were presented to you can be presented to the Fire Marshal and Utilities Director and we'll have their official response to that for you at your next meeting.

Mrs. Soderberg stated we can hardly wait.

Mr. Simpson asked anything else? If not, we're adjourned.

Meeting adjourned at 6:26 p.m.

---

Dean Andrew, Secretary

ATTEST: \_\_\_\_\_

